

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARK PICOZZI,

Plaintiff

V.

JOE LOMBARDO, et al.,

Defendants

Case No.: 2:24-cv-01378-APG-EJY

Order for Response to Motion for Injunctive Relief

Plaintiff Mark Picozzi is an inmate at High Desert State Prison (HDSP). He sues various defendants related to conditions at HDSP, including, as relevant to this order, extremely hot temperatures in Unit 10-C because it has no functioning air conditioners. ECF No. 1-1 at 19. Picozzi alleges that he and other prisoners have passed out from the extreme heat. *Id.* According to Picozzi, inmates are left in their cells most of the day and have no fans, coolers, or ice to combat the heat. *Id.* Picozzi alleges this violates the Eighth Amendment as cruel and unusual punishment. *Id.* at 19, 24-25. He also alleges the defendants are violating the Equal Protection Clause because general population prisoners are given ice coolers for ice water and allowed in the gym, which is air conditioned, but protective custody inmates like Picozzi were not given ice and are not allowed in the gym. *Id.* at 20.

Picozzi moves for three forms of injunctive relief: (1) that the defendants fix the air
temperature in Unit 10-C; (2) that the defendants deposit funds for a check into Picozzi's
account; and (3) that the defendants allow Picozzi to shower when he comes back from work
because he does physical labor outside in extremely hot temperatures. ECF No. 5 at 5.

Picozzi's complaint has not yet been screened, but given the nature of his allegations regarding extreme temperatures, I will direct the Attorney General's Office to respond to the

1 motion only with respect to the lack of air conditioning and related failures to provide cooling
2 measures, including not allowing Picozzi to shower after his work outside. The Attorney
3 General's Office does not yet need to respond to the motion's request related to the check, as I
4 am not yet convinced that the check claim is properly joined with his claims regarding extreme
5 temperatures in Unit 10-C.

6 I THEREFORE ORDER that by **August 16, 2024**, the Attorney General's Office will
7 advise the court whether it will enter a limited notice of appearance on behalf of the defendants
8 only for purposes of responding to the motion for temporary restraining order. Additionally,
9 based on the nature of the allegations, the defendants shall also have until **August 16, 2024** to
10 file their response to Picozzi's motion for temporary restraining order (ECF No. 5).

11 I FURTHER ORDER that if Picozzi chooses to file a reply, he shall do so within five
12 days after the defendants file a response.

13 I FURTHER ORDER the clerk of the court to electronically serve a copy of this order, a
14 copy of Picozzi's complaint (ECF No. 1-1), and a copy of Picozzi's motion for temporary
15 restraining order (ECF No. 5) on the Office of the Attorney General of the State of Nevada, by
16 adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate
17 acceptance of service for any defendant.

18 DATED this 7th day of August, 2024.

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21 ANDREW P. GORDON
22 UNITED STATES DISTRICT JUDGE
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